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PROTESTATION

Of diyers
MINISTERS, ELDERS,
AND
PROFESSORS,

For themselves, and in name of many others well-affected Ministers,
Elders, and People in **SCOTLAND.**

Presented by the Lord Warrellon, Mr. Andrew Cant, Mr. John Living-
ston, Mr Samuel Rutherford, and diverse others;

To the Ministers and Elders met at Edinburgh July 21: 1651.



Printed in the Year 1659, and Re-printed in the year 1707.

PROTESTATION

MINISTERS, ELDERS,

AND

PROFESSORS

of the Protestant Churches of many cities well affected Ministers,
Hibernia and the Island of SCOTLAND.

Testified by the Lord's Witnesses Mr. Andrew Knox, Mr. John Living-
ston, Mr. Samuel Rutherford, and divers others.

This Protestation was signed at Edinburgh July 21. 1691.



Printed in the Year 1691, and Re-printed in the Year 1702.

Unto the Reverend the Ministers and Elders met at Edinburgh July 21.
1652.

It is represented by the Ministers, Elders and Professors under subscribers for themselves, and in the name of many others well affected Ministers, Elders and People.

IT is matter of unspeakable grief and sorrow, to consider how great Indignation the Lord hath let forth against us, heaping wrath upon wrath, and making one Judgement to follow another, as the waves of the Sea, and for the most part, the Fruits thereof through the Land, have been no other than further departing from his ways, and dividing one from another in judgement and affection. Our breach is wide as the Sea, and who can heal it? Spiritual Judgements especially are multiplied upon us, Temptations abound, and Divine Influences are restrained. He hath poured upon us the Fury of his Anger, and the strength of battel, and it hath set us on fire round about, yet we knew it not, and it burneth us, yet we lay it not to heart. There is no returning to the Lord, his hand is stretched out still; and is there not great cause to fear, lest the glory of the Lord should depart from amongst us? It were good for us, if we could (with *Jerusalem*) remember all our desirable things which we had in the days of old, and compare them with the days of our misery and affliction. If we look back to that which we have already attained of the work of Reformation (notwithstanding our short coming in the power and practice of godliness) what purity was there of VVorship? What soundness of Doctrine? Unity of faithful Pastors? order and authority of Assemblies? What endeavours for promoting the power of godliness? for purging of
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the Ministry, Judicatories and Armies? and for employing such in places of power and trust, as were of constant integrity and good affection to the Cause, and of blameless conversation. And again, if we consider how in place of these, within these two years, have succeeded for unity, division; for order, confusion, for purity of worship, outward contempt, for the power of godliness, Atheism and Profaneness; for purging of the Ministry Judicatories and Armies, sinful mixtures; for zeal, lukewarmness and tolleration. It is too palpable, that we are far gone on in the way of declining, having lost much of that which we had attained, and that which remains being ready to die. If we look before us, it seems now there is a wide door open for conjunction with all parties, in case of straits and necessities. How subtile are the devices of Satan, to make use of the same bad principle for contrary ends, &c may we not make use of what was said in former times, to the declining children of this Church? How will posterity blame us that we have not resisted the beginnings of evils? Shal not their hearts mourn, when they shal behold so fair a Fabrick, so dearly conquest, so firmly grounded, to be so pitifully rained by their Fathers? If we look inward to our own hearts, whether we have had most of the Lords Spirit with us in the old ways, or the late; and whether our spirits were then mote with the Lord, or now? It is easie to judge: if we look about us on every hand, what hardening is there of Adversaries of all sorts? what offence given to the weak, who see changes of parties, and fear change of Principles and Interests, when they perceive conjunction with those against whom the Covenant was made, and deserting of these for whom it was made; and see mens interests preferred to the Lords; sinful mixtures make way for sinful separations, and the preferring of mans interest to Gods, makes our Adversaries to be exalted over us. Thus he writes our sin upon our judgement; and because we trusted his Interests to his Adversaries, therefore he gives up our interests to the power of our Adversaries; and Judgement hath entered by the door, which Policy had locked fastest. It was the Complaint of the Non-Conformists of old, that Conformity was preferred to the duties of the first and second Table;

Table; for if a Minister were conform, gross faults were passed over in silence; and if he were not conform, though an able painful, and gracious Pastor, and blameless in his conversation, yet he was the object of persecution. This was held by the non Conformists, a sure sign of defection in the Church: We wish there were nothing like this amongst us, and that insufficient and scandalous Ministers, made not a Sanctuary of the Publick Resolutions. What Acts are made against Expectants, Students, and Professors, which are not of this judgement, we desire may be remembred; And we have it to regrave, That too many make it their practice upon this ground, to debar such as would be useful in the Lords Vineyard. How great influence this hath also had, and may farther have in all Elections, we need not mention: How much precious time have the publick resolutions caused to be spent in debates, and thereby many diversions from most necessary duties, &c. is matter of great stumbling, both to the weak, and to strangers which are amongst us, that gross ignorance and scandals are not only to be found in Professors uncensured, but also amongst Elders; and that many Ministers are not only careless to instruct the ignorant, and to endeavour, that scandals may be censured; but some are openly given to the same themselves, and not only no course taken to censure them, but some who have been justly censured for profaneness and malignancie, are re-admitted; and unqualified Expectants in some places, but in the Ministry. The approbation of the publick Resolutions being made a main part of qualification. We hope it will be easily acknowledged on all hands, that there hath been a great backsliding of heart from the Lord; for the which we are filled with our own ways; We trust also that there be few that will deny that the Lords quarrel against us is for his broken Covenant: and therefore it is, that he hath threatned against us, as against *Israel*, not only that we shall not be a Kingdom, but that we shall not be a Nation, nor a Church, but put away by a Bill of divorce. It is high-time for us then, to *search and try our Ways, and turn again to the Lord*, Let us examine by what way we have departed from him, that by the same steps we may return, wherein the Land hath declined from their sworn

Covenant with the Lord, and known principles, before this ruine came upon us; and wherein they have since further departed, by staying upon those that smote them, and forsaking the Lord the Covenant-ed God of this Nation. It was to us no small matter of grief and trouble that the testimonys given the last year against the Publick Resolutions of the Commission of the General Assembly 1650, and against the meeting at *St. Andrews* and *Dundee* and their proceeding, was looked upon by many (of whom we desire to judge charitably) as not proceeding from principles of conscience, but as a Compliance with the Invaders of the Land. Blessed be the Lord our God, who knowing our Innocencie and integritie hath made that cloud of reproach so clear to evanish, as we trust we are now freed from that calumnie, in the judgements & consciences of all judicious and charitable men. There is another advantage on your part, that you are now free from the temptations, which induced many to act and concur in these Resolutions for necessity was mainly pretended for what was done; which now, these temptations being removed, can have no place for a ground, to renew and react the same proceedings. We may also add, that time hath fully discovered and clearly determined, how just ground there was on our part to oppose the admitting of these men, concerning whom the contest was the last year, into places of power and trust over the Work and People of God. An Overture was made to us at our meeting in Winter last, That we would desist from making use of any power derived from the General Assembly 1650. And we conceived we had ground to expect on the other hand, that no use should have been made of any power, by vertue of the Meeting at *St. Andrews* and *Dundee*. And that in the mean time, endeavour should have been used for agreement, which was assayed by us once, and again; but the advantages of the time having settled on another quarter then that season wherein the Overture was made, did seem to promise to such who did not well consider principles and parties. It is now fallen out otherwayes, and by power from them, without any agreement you are now converted. In the Meeting at *St. Andrews*: it was earnestly desired, that there might have been an Adjournment,

ment, which through the Lords blessing might have prevented much of the division that hath since fallen out, and the differences that were amongst us, might have been more easily removed. The breach is now wider, and only the strong hand of the Lord can help us. If you should now again proceed to assume unto yourselves the power, and constitute your selves into a General assembly, we look upon it as a very great obstruction in the way of our agreement, and (as that which for ought we can yet see) may heighten the difference: The Lord is calling to Holiness, and to return to the Work of Reformation, and purging the Church according to the Word of God, and approved ruler of this Kirk, and not to confirm the last years proceedings, which were the chief ground of our Divisions. It is a thing beyond all question in reason, that all doubts and objections proponed, concerning the constitution of an Assembly, sought to proceed the constitution, and not to follow after it. When the question is determined, sad experiences may teach us from former times, what influence an Assembly hath according to its constitution, right or wrong; for which cause, the General Assembly 1639, did determine the keeping and authorizing corrupt General Assemblies, to be one of the chief causes of the many evils which had befallen this Church in time of defection. We do therefore with all tenderness and due respect earnestly beseech, That you will timeously consider, how inconvenient and unwarrantable it is for you, to constitute your selves into a General Assembly, and to assume the Power and Authority thereof, not only when the Authority by which you are convened is so much questioned, and such prelimitations are upon the elections of Commissioners; but when you also want the concurrence of so many Presbyteries, who are not clear in their consciences to concur with you. And when you want the concurrence of Commissioners from Burrows, who by reason of their present incapacity, cannot send Commissioners to sit in any Assembly. And when the far greater part of Commissions from Presbyteries, and Universities are questioned and contraverted, by Dissents and Protestations in their meetings for Election: and some by reason of usurpation of them who are no Presbyteries: So that we know not how few

few can be admitted unquestioned Members; and besides we beseech you, consider how great a snare your former actions which were not to Edification, have been to some People to tempt them to the way of separation, and to the shaking of the Government of this Church, from which as we desire to be kept free as from a course highly displeasing to God, and impedimental to Reformation So we desire you may not tempt them further, and lay new snares in the way of any, by your not right using of so precious an Ordinance of Christ, as are the Assemblies of this Church. Upon these and other grounds, we are constrained to make this Application to you. That without assuming any such power unto your selves, you would be pleased to appoint a Conference with us wherein we may (with the Lords assistance) search out the causes of this wrath against us, and free and friendly debate concerning our Differences, and propound Overtures, and Remedies for removing both the one and the other: In order therunto, we offer these Propositions herewith communicated, for the Subject of our Conference; it being our earnest desire, that an agreement being made, we may through the Lords blessing, have a free, and lawful well constituted General Assembly. And now having laid these our thoughts and desires before you, we do solemnly obtest you by the Meekness, and Gentleness of Christ, by his Consolations, and the Comfort of his Love, and by the Fellowship of the Spirit: If there be any bowels and mercies by the affection you bear to the Word of Truth, to the Peace and Order of this Church, to the Lords precious Ordinances, and to this people in this generation, and to the posterity, that you will take these things into your serious consideration, and hearken to our Request. Who knoweth but the Lord may have compassion on our condition, and *bring the blind by a way they know not lead them in paths they have not known, make darkness light before us, and crooked things straight?* Even do all these things unto us, and not forsake us.

Propositions offered to the meeting of Ministers, and others,

At Edinburgh July the 21. 1652.

W Hereas we, and many of the Godly in the Land, have been really scandalized, and stumbled at the late Acts, and proceedings relating to publick resolutions concerning the same in the nature and intention of the Work, to have obstructed and shaken the Work of Reformation (although we think honourably of divers Godly and learned men, who have been concurring in the same, and dare not judge their intentions to be such as we think their work hath been, and do allow charity to others) Therefore for satisfaction of our Consciences, and for the securing the Work of Reformation, for purging the Church, and for promoting the power of Godliness and for removing these sad differences, and for attaining and preserving a good understanding. We desire,

I. That they give evidence, and assurance that they approve of, and will adhere unto our Covenants, and the solemn Publiek Confession of sins, and engagement to Duties, and all the Acts of uncontraverted Assemblies, of this Church, for advancing the Work of Reformation, in the Littrall and Genuine sense and meaning thereof: And that in dispensing of the Ordinances, censuring of scandalous persons, receiving of Penitents trying, admitting, removing, and deposing of Church Officers. they walk according to the same.

II. That it may be laid seriously to heart before the Lord, how after such a defection, and so sad judgements for it, the Lord may be restored to his Honour, the Land to his Favour, and the like defection prevented in time coming.

III. That as we are ready in our Station to follow all religious and conscionable means, and overtures for securing, and guarding of the Cause & Work of God, against Error, Heresie, and Schisme, on the one hand: So they would hold out to us a solid way for securing the same, against dangers from Malignancie on the other. And, we desire to know what shall be

the Characters in time coming by which Maligants, may be known & judged,

IV. That a reall and effectual course be taken, according to the establisht Rule of this Kirk, for purging out, and holding out all such from being Church Officers as have not the positive qualifications required in the Word of God, and Acts of this Kirk; particular'y, that Ministers deposed by lawfull Assemblies, who have intruded themselves, or have been unwarrantably restored by Synods, and Presbyteries to their charges, contrarie to the Form, and Order prescribed in the Acts of Assemblies, be removed and condign censures inflicted, and that sufficient provision be made for preventing the like in time coming.

V. That effectual means be fallen upon, and followed for censuring all Scandalls, and Scandalous persons, and casting out of these who shall be found grossly, and obstinately scandalous, or ignorant, after they are made inexcusable by sufficient means, and pains taken for their instructing, and reclaiming.

VI. That some course more effectual then any hath been fallen upon hitherto, may be condescended upon for putting in execution the Acts of this Kirk, anent debarring from the Lords Table such persons, who are found not to walk suitable to the Gospel, and have not the knowledge to examine themselves, and to discern the Lords Body.

VII. That in the receiving of Penitents, care may be had, that none be admitted to the publick Profession of Repentance, or reconciled to the Church, but these who are found to give such evidence of their Repentance, as is expressed in the Acts of the Assemblies, concerning the receiving of Penitents.

VIII. That an effectual course may be taken for securing of the Work and People of God, from the harm and evil consequences which hath already, and may further ensue from the late pretended Assembly, at St. Andrews, and Dander, and the Acts thereof, and for preserving the right constitution of free General Assemblies for time to come.

Subscribed in name of many Ministers, Elders, and Professors throughout the Land, who desire Truth and Peace, by

Mr. Andrew Cant.

Unto

Unto the Reverend, the Ministers and Elders met at Edinburgh 7th 21. 1652.

The Protestation of the Ministers, Elders, and Professors under subscribing for themselves, and in name of many others well-affected Ministers, Elders and People.

IT is so well known to divers of your number, what peaceable endeavours we have used without success, in order to the removing of the differences that are amongst us, that we shal not trouble you therewith; nor how we were neglected in the sending timeous advertisements for your last meeting in this place, where a desire of reconciliation was presented; but peremptorily the electing and sending of Commissioners from Presbyteries, to keep the day indicted by the pretended authority of the Meeting at Dundee, was concluded on as the only mean to heal our breach; and not so much as some few days of delay could be obtained, by these few of our number which were then present, whereby they might give advertisement to others. We have laboured with some in private, and have given a Paper to all in publick, with some Propositions, wherein we have the concurrence of the generality of the Godly in the Land, earnestly entreating a conference, wherein we might have opportunity with the Lords assistance, to have laid before you the Causes of the Lords controversie against the Land, and how we might be united in the Lord; being ready also to have heard what you should offer to us upon the same subject: but this ye have denied unto us, and proceeded to assume the power, and constitute your selves in a General Assembly. It is a burden upon our Spirits, and we have no delight to be contesting with, and opposing any who profess themselves to be maintainers of the Government of this Kirk; but the truth is (with grief of heart we desire to speak it; for we think that it doth much provoke the Lord, and threaten his departure from the Land) that although with the renewing of the National Covenant, and with
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the casting out of Prelats, and the corruptions introduced by them, the Lord was graciously pleased to give repentance to not a few, who were involved in that defection; yet since that time there hath always remained a corrupt party or insufficient, scandalous, and ill affected Ministers in the Kirk, enemies to the power of Godliness, and Obstructors of the Work of Reformation, and purging of the Kirk, whereof many were sworn Vassals to the Prelats (as we are able to make good by their Subscriptions to horrid oaths) this party complied with the times, and pretended for Reformation, though they were groaning under it as a heavy yoke which they could not endure, as did appear by their carriage and expressions, upon several occasions, when any Revolution offered them the opportunity of discovering their minds, particularly in the time of *James Grahams* prevailing, and of the Engagement against *England*, and having of late gotten a greater advantage then at any time before, since the beginning of this Reformation, by the publick Resolutions and actions of the Commission for bringing in of the Malignant party, to places of power and trust, and bearing down of such as were opposers of these Resolutions, and had been faithful and straight in the Cause, and stirring up the Civil Magistrate against them, subjecting also the liberty of the Word in the mouth of Christs Ambassadors for the reproof of sin, to the immediat judicial cognissance, restraint and censure of the Civil Magistrate contrary to the many Acts and practices of our Predecessors grounded on the Word of God, and our Covenants having the countenance of King, State and Army, and divers worthy and gracious men (of whom we shall ever esteem honourable, and love them dearly) upon our consideration of the straits and pressures of the time, concurring also with them in the publick Resolutions, that Party perceiving, that they were not able to endure tryal in a time of Reformation and purging, began the last year to lift up their heads, and speak the language of their own, being much encouraged by the Constitution, Acts & Censures of the pretended Assembly at *St. Andrews & Dundee*, they have so strengthened themselves by the practices since in the Judicatories of the Kirk, as they now carry the determinations thereof to their

their own ends. And may we not with sad hearts say, what can be expected from such of whom we have experience, how forward they are to favour wicked men, and every evil course, to persecute such as make conscience to seek the Lord in sincerity of heart, and suppress the power of Godliness, and to open the door of the Ministry to such as for insufficiency, scandal, or disaffection, have been justly deposed, and to bring the like. In regard whereof, we wish there were not too great cause to make use of the words of the Prophet, *I have seen also in the Prophets of Jerusalem, saith the Lord, a horrid thing, they strengthen the hands of evil doers, that none doth return from his wickedness: therefore thus saith the Lord of hosts concerning the Prophets, Behold, I will feed them with worm wood, and make them drink the water of gall, for from the Prophets of Jerusalem is prophaneness gone forth into all the Land.* These things we speak not to reflect upon the Ordinances of Jesus Christ in this Land, it shall be our steadfast purpose (as the Lord shall enable us) to maintain the Doctrine, and Worship Discipline, and Government of this Kirk, and particularly the National Assembly, which we look upon as rich a privilege, and special blessing from Heaven, for suppressing error on the one hand, and prophaneness on the other, so long as they are preserved from corruption in the constitution thereof. And we trust all who are acquainted with the principles and practices of our worthy Predecessors, and of the learned and godly non-Conformists in England will easily see how far we are from their judgments who follow the ways of separation. We hold it our duty, firmly to adhere to the Church of Scotland, wherein (through the Lords goodness) we do this day enjoy the purity of Doctrine and Worship, and the Government which Christ hath appointed in his House, though there be corruptions in the Constitution of a pretended Assembly. Whereby we are deprived of the benefit of a free, lawful, and well constitute Assembly for the present: where we meet with corruptions, we shall (the Lord Assisting) disclaim and oppose them. and herein we have the approbation of the first and second Assembly of this Kirk, in the beginning of this last Reformation; the one annulling and declaring void six several Assemblies.

Assemblies, upon many of the same grounds, for which we do protest against the present corrupt Assemblies. And the other having clearly intermined the keeping and Authorizing corrupt General Assemblies, to have been one of the chief causes of the many evils which have befallen this Church. We trust in the Lord our God, that our Actions abundantly witness for us in this respect, and so we shall not further insist upon it. We have clear grounds in Scripture to Warrant us to plead, and testify against Corruption, and therefore being sensible that there is a course of defection carried on in the Church, we have endeavoured, first to prevent the same, in the beginnings thereof, and afterwards to give Testimony against it, as it comes to be discovered to us; We have since studied in a Christian and brotherly way, to reclaim the Authors thereof, and these that have concurred with them, and now when still we perceive our labours and endeavours to be without success, as we profess our adherence to former Testimonies against the late Defection, so we are necessitated to add this upon the grounds before mentioned; and for all, or some of the Reasons following.

I. *This meeting hath dependance upon, and the power and authority to which it can lay claim; for the induction thereof is derived from the pretended Assembly which met at St. Andrews, and adjourned to Dundee, which being unfree, unlawful, and corrupt, cannot derive or communicate to another that which it had not in it self.*

II. *It is constitute after the same manner (for the most part) of the Members constituted as the former pretended Assembly. of Persons which were Authors, and Abettors of, and have carried on a course of defection in this Church, contrary to the Word of God, the solemn League and Covenant, the solemn Engagement, and the express Acts and Declarations of the Kirk, which Persons being under so great a scandal, are by the Acts of the Kirk, incapable to be Members of General Assemblies.*

III. *Because of the pre-limitation of Election by the Acts made at Dundee, injoyning Provincial Synods, and Presbyteries to proceed with the Censures of the Kirk against Ministers, Students, Expectants,*

and Professors, who altogether opposed the publick Resolutions, or shal not acquiesce to the Acts made at Dundee; and so excludes all who are not involved in the course of defection, as incapable of Election, which is a corrupt rule or Election and constituting Assemblies: and in pursuance thereof there were several pre limitations made since by several Synods, and Presbyteries in their Acts, Ratifying the Proceedings of the pretended Assembly at Dundee.

IV. There are many Presbyteries who have expressly refused to send Commissioners to this Meeting or an Assembly, and who do concur in protesting against the same: and where Presbyteries have sent Commissioners, the Elections are generally contravened, there being Protestations made, or at least dissents entered against most of their Elections upon good grounds, conform to the Acts of the Kirk; also there be wanting Commissioners from Burrows, who in regard of their present incapacity cannot send Commissioners. The generality of the godly in the Land go along with us & approve our protesting against this meeting, as an unlawful and corrupt Assembly.

Therefore from the zeal we owe to the glory of God, to this Cause and Truth, the Duty of our Callings, as set for the defence of the Gospel, and according to our Covenant, wherein we are bound to prevent and recal all parties and courses contrary thereunto, from the sense of the awful judgments of an angry God, both felt, and feared for these begun and continued in defections, that we may according to the example of our Forefathers, acquit our selves as guiltless of this growing Apostacie to the present age, and transmit to our posterity the right Constitution of free and lawful General Assemblies, and to prevent the Lords giving a Bill of divorce to the Land. We do hereby solemnly Declare and Protest, against the Constitution, Authority, Acts, and Proceedings of this pretended Assembly met at Edinburgh, and particularly against their ratifying or renewing the former De'ection, in the matter of Publick Resolutions, and against their entering into any the like Confederacie, or Association with any partie opposite in Principles, and Practices to the Word, Work, Covenant, Cause, and People of God in

in this Land, against their appointing of Commissions emitting of Declarations, Warnings, Cause of Humiliation, and against their receiving and discharging of Appeals, References and Dissents, or doing any thing competent to a free, lawful General Assembly, and that neither the Authority, Acts, or Censures of the meeting at *St. Andrews*, and *Dundee*, or of this present meeting: shall be obligatory to any Synod, Presbyterie, Minister, Elder, or Member of this Church. And we do humbly beseech and implore the Lord our God, that he will not look upon these your proceedings as the deeds of the representative of the Kirk of *Scotland*, nor impute the same into the Collective Body: But that he would be pleased in his Mercy, freely to pardon all our transgressions. And we do further protest, that the General Assembly 1650. be held and accounted in this Church as the last free and lawful General Assembly; and that it shall be lawful to us, and every one of us, to continue in the full and free Function, and in our Callings and Stations to observe and keep the former good old Principles, Declarations, and Acts of the lawful and free General Assemblies of the Kirk, notwithstanding any Declarations, Warnings, Proceedings, and Censures of the said Meetings at *St. Andrews*, *Dundee*, and *Edinburgh*, or any Commission following therefrom, or any Exemption thereof, by any other; and likewise that it shall be lawful to convene in a free General Assembly, when the Lord shall give opportunity. And lastly, We do Protest, that it shall be lawful to us to give in to this Meeting, or publish to the World, or to present to the first free and lawful General Assembly this our Protestation, and to enlarge the same as shall be found most to conduce to the honour of God, the good of his Work, comfort of his People, and for our exoneration. In Testimony thereof, We subscribe this presents, and do take Instruments.

The Names of the Ministers who subscribed the
fore going Protestation.

M. Andrew Cant,	M. Al. Livingston	m, Robert Ferguson
M. Samuel Rutherford	M. Thomas Ramsey	m, James Ferguson
M. Robert Trail	M. William Wiskart	m, John Crawford
M. John Sterline	M. William Lack	m, Harie Sempil
M. John Neway	M. John Dickson	m, Robert Kue
M. Matthew Movat	M. James Donaldson	m. John Macmicka
M. John Livingston	M. Francis Aird	m, John Mean
M. James Guthrie	M. Robert Kesth	m, James Ruat
M. Patrick Gillespie	M. John Sempil	m, Samuel Row
M. James Symson	M. James Wallace	m, John Durie
M. James Ker	M. David Swan	m, Will Somervel
M. John Scot	M. Gilbert Hall	m, John Hamilton
M. John Vetch	M. William Somervel	m, James Nisbet
M. William Guthrie	M. Adam Kae	m, Robert Lockhart
M. Ralph Rodgers	M. Alexander Dunlop	m, Daniel Douglas
M. George Nairn	M. George Gladstanes	m, Gabriel Maxwell
M. William Oliphant	M. Arthur Mitchel	m, Robert Brown
M. And. Donaldson	M. Alexander Turnbull	m, John Lithgow
M. Robert Stidman	M. Thomas Vyllie	m, Robert Lockhart
M. Ephraim Melvil	M. James Tuedie	m. John Hamilton
M. H. Kennedy	M. Patrick Macclellan	m, Wil Ferguson
M. John Cleland.	M. John Sinclair	In all
M. Gilbert Kennedy	M. John Gray	97

Elders, Professors, and Expectants, many of whom subscribed not only
in their own Names, but in Name of many others from whom
they were sent to the meeting.

Lord Kirkcubright
Sir John Cheisly

Sir Archibald Johnston
Sir Andrew Ker

William

William Bruce.
 Pringle of Whitebank.
 Walter Riddel
 George Pringle of Greenkno.
 Colonel Robert Halked
 Thomas Nicolson
 James of Duddingstonw.
 John of Smeiton
 Whartlaw
 Roll of Piltoun
 Arch. Johnston of Hiltoun.
 James Galloway.
 Will. Brown of Dolphington.
 William Lanrie of Blakewood.
 Mr. John Sprewil.
 Alex. Gordon of Knockgray.
 Alex. Forbes Tutor of Pirbright.
 Mr. John Inglis of Cramount.
 John Cranston of Glen.
 Major Robert Stuart.
 James Gray.
 James Kirken.
 Mr. Archibald Porteous.
 Robert Jack.
 William Gordoun.
 Robert Cannoun,
 William Gordoun.
 William Crickton.
 James Masman.
 John Cannoun.
 John Lamb.
 John Thomson.
 William Meik.

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James Selkirk.
 William Crawford.
 John Macklinchic,
 David Coventry.
 Captain Andrew Arnot.
 Thomas Bannatyn,
 George Pringle.
 William Douglas
 James Masen.
 David Park,
 Mr. William Duguid.
 Quintin Makadam.
 John Stotter.
 John Dickson,
 Mr John Douglas.
 David Mure,
 John Nairn.
 Mr. Thomas Stuart.
 Mr John Pearson
 Andrew Adirson,
 Patrick Listoun.
 James Spittle of K.
 Mr. Andrew Ruthersford.
 M. George Walker.
 James Greifson.
 James Hamilton,
 John Tait,
 Andrew Johnston.
 David Mathie,
 Thomas Douglas.
 James Bruce.
 John Gordoun,
 George Dickson.

Rob:

Robert Brne,
Edward Gordoun,
John Myln,
M. James Stuart,
Alexander Marshal,
James Hill,
James Morison,
M. John Justice.

William Falconer.
Mr Peter Kid,
Andrew Kirkco,
Patrick Anderson,
James Melrofs,
Mr. John Crookbank younger
Mr. Alexander Jamison.

In all

95.

Besides divers others, some of whose names could not well be others being with drawn by their necessary affairs, were not pr with the rest in time of Subscribing, and the many hundreds of the affected throughout the Land, who have by these whom they se bundantly shown their love to the business, and will Subcribe their own hands when they have opportunity.

The Names of the Ministers who presented these Prpers.

Mr. Andrew Cant.
Mr, Samuel Rutherford:
Mr. John Livingston.)
Mr. James Guthrie,
Mr. Matthew Mowat.
Mr. Patrick Gillespie.
Mr. Ephraim Melvil,
Mr. William Oliphant.
Mr. Robert Trail.

Mr. Robert Keith.
Mr. Alexander Livingston,
Mr. Samuel Row,
Mr. James Nasmyth,
Mr. James Symson,
Mr. James Ker,
Mr. John Dickson.
Mr. Thomas Wyllie.

The Names of the Ruling Elders, and Professors

Lord Kircudbright

Tutor of Pitsligo

Sir Andrew Ker of Greenhead

Sir Archibald Johnston of Wariston,

St. John Chrissy

Daniel Robert Halket.

James Las of Duddleston

Valter Riddel

William Bruce

all.

Laird of Blair

VWhtbank

VWalter Pringle of Greenknow

John Johnston of Hilton

John Graham

m. John Sprent

m. VWilliam Ferguson

Smeatoun Heshburn

Alexander Gordon of Knockgray

These 36 were nominated and appointed by their meeting to present the Papers.

UPon *Thursday*, the meeting of Protestors did divide themselves in four several Committees, to think upon, and confer about Overtures, how to make the matters of their Propositions practicable and effectual in their own stations, according to their capacities. And the next morning, the minds of the several Committees upon the matter being reported in writ. The several Clerks of these Committees were appointed to meet together, and draw up in one Paper, all that was reported, which being done, there was another Committee appointed to meet upon it, and to consult and advise more deliberately there anent and to report their diligence upon *Monday* to the whole meeting, where by it appears that they do really, and seriously minde the work themselves, which they proposed to others, which will appear the more by their Resolutions, when they come forth after the Overtures are digested, and fully agreed upon.

F I N I S

UNTO THE
MODERATOR
 AND
 BRETHREN

Assembled at St. Andrews;

*The humble Representation and desire of the Ministers of the Gospel
 under subscribed.*

Amongst the many sad tokens of the Lords indignation and wrath
 against this Church, the present unhappy differences of His Ser-
 vants of the Ministry is looked upon by Us, and We believe by all
 Godly of the Land, as one of the greatest; And as we hold it a Du-
 ty lying upon Us to be deeply humbled before the Lord in the sense
 thereof; and in our Stations and Callings to endeavour by all lawfull
 and fair means the remedy and removal of the same, so we acknowledge
 a free General Assembly, lawfully called, and rightly constitute, and
 meeting together in the Spirit of the Lord Jesus Christ, and proceeding
 with meekness and love according to the Rule of His Word, and Con-
 stitutions of this Church, to be amongst the first and most effectual Re-
 medies appointed of GOD, for attaining of these ends.

There,

Therefore considering that the Election of Commissioners for the Assembly hath been in many places limited and prejudiced in the due liberty and freedom thereof, by the Letter and Act of the Commission of the last General Assembly, to Presbyteries appointing such as remain unsatisfied with, and bear testimony against the Publick Resolutions, to be cited to the General Assembly; which upon the matter, hath in many Presbyteries really obstructed the Electing of such, though otherwise men of approved abilities; constant Faithfulness & zeal for the Work of Reformation since the beginning thereof; and that many Elections are questionable, some as containing persons not in a capacity to be chosen by the Acts of this Church, and some as not being made in a due order and right way, and that many Commissioners of Presbyteries and Burrows are absent, some of them wanting free access, by reason of the English lying in the Country, and some upon other impediments and occasions; and remembering that such Reasons have formerly had weight in point of Discussion of the validity of some Assemblies, and may still be looked upon as important and weighty, by these who may happen not to be satisfied in their consciences with your proceedings. We did with all humble earnestness, and in the bowels of the Lord Jesus Christ desire and beseech you for Truth and Peace sake, and that further mistakes and divisions may not be increased unto the prejudice of the Lords Work, and rejoicing of Enemies, and saddening the hearts of His People That the Diet of the General Assembly may by the common consent and advice of the Brethren now met together be adjourned for some competent time; and that by the same mutual advice and consent it may be declared, That the Letter and Act of the Commission ought not to be any prejudice to these who remain unsatisfied with the Publick Resolutions why they may not be chosen Commissioners to the General Assembly; And that such Presbyteries as shall think fit, may make their Elections of new again, especially these Presbyteries whose Elections or Commissioners are questionable, to whom we desire it earnestly to be recommended, that they would in an unanimous way make choice of men of

approven abilities and integrity, and against whom there can be no exception by the Acts and Constitutions of this Church. And in the last place, we do humbly represent and desire, that in the interval of time betwixt this and the Dyet, to which the Assembly shall be adjourned, there may be a solemn publick Humiliation throughout the Land wherein God may be intreated to shew us why He contends with us, and to give light and clearing on all hands concerning the present differences of Judgement, and distempers of Spirit that are amongst us, that we may be of one mind and, one hearts; for carrying on of the VVork of GOD amongst His People; And your VVisdoms Answer.

Subscribed by sundry Ministers of the Gospel

St. Andrew

St. Andrews, July 18, 1651;

How gracious the Lord hath been to the Church of Scotland, in giving to her pure Ordinances, we trust shall be acknowledged by us whilest we live, with thankfulness to the Most High, of whom we desire mercy and grace to adhere unto the Doctrine, Worship, Discipline and Government established in this Land: Amongst the many sad tokens of the Lords Indignation against this Church, The present Differences of His Servants of the Ministry is looked upon us as one of the greatest: And as we hold it a duty to be deeply humbled before the Lord in the sense thereof, and by all lawful and fair means within the compass of our power and station to endeavour the remedy thereof; so we do acknowledge a free General Assembly, lawfully called, and rightly constituted, and proceeding with meekness and love in the Spirit of the Lord Jesus Christ, according to the Rule of the Word, and the Acts and Constitutions of this Church, to be amongst the first and most effectual means appointed of God, for attaining this end, and for preserving the purity, and advancing the power of the Work of Reformation in this Age, and transmitting the same to our posterity, and to the Ages and Generations that are to come. But as the faithful Servants of God in this Church in former times, did by His good Hand upon them in the right administration of free and lawful Assemblies, bring the Work of Reformation in Scotland unto a great perfection, and near conformity, with the first pattern: So, unfaithful men minding their own things more then the things of Christ, and usurping over their Brethren and over the Lords Inheritance, did deface the Beauty thereof, first by encroaching upon the liberty and freedom of Assemblies; afterwards by taking away the Assemblies themselves, Therefore remembering the many bonds & obligations that ly upon us before the Lord, & being desirous to be found Faithful in this day of temptation, & to exoner our consciences as

in His sight, and to avoid accession to that guiltiness in which many have involved themselves, and conceiving that this present Meeting is not a free lawful General Assembly of the Church of Scotland, in regard that the Election of Commissioners to the same hath been pre-limited and prejudiced in the due liberty and freedom thereof, by a Letter and Act of the Commissioners of the last General Assembly sent to the Presbyteries appointing such Brethren as after conference remain unsatisfied with, and continue to oppose the Publick Resolutions, to be cited to the General Assembly; And in regard that Commissioners from many Burrows and Presbyteries are absent, as wanting free access, by reason of the motion of the -----; and in regard that many of the Commissioners of the former Assembly, who have carried on a course of detection, contrary to the trust committed to them, and who in their Remonstrances and Papers have stirred up the Civil Magistrate against such who are unsatisfied in their consciences with their proceedings, and who have by their Letter and Act prelimited the Assembly, are admitted to sit and vote as Members of the Assembly, and their Moderator appointed to be Moderator of the Assembly, notwithstanding that timeous exception was made against them, that they ought not to be admitted as Members of the Assembly, until their proceedings were first tried and approven by the Assembly; And in regard that His Majestie by his Letter, and his Majesties Commissioner, by his Speech to the Assembly hath incited to hard courses against those who are unsatisfied in their consciences with the proceedings of the Commission. Before these proceedings be tried and approven by the Assembly it self. We do upon these and many important grounds and reasons to be propounded and given in, in time and place convenient, protest in the Name of the Church of Scotland, and in our own Name and in the Name of all Ministers, Ruling-Elders and Professors of this Church, who do, or shall adhere to us against the validity and Constitution of this Assembly, as not being free and lawful, and that they may not arrogate nor assume to themselves any authority, nor exercise any power or Jurisdiction for determining of Controversies, making of Acts, emitting of Declarations, judging

judging of Proteſtations or Appeals, or proceedings of Synods or inferior Judicatories, or cenſuring of Perſons or Papers, or iſſuing of Com-
 miſſions of whatſoever ſort, to any Perſons whatſoever; and particu-
 larly we proteſt, that they may not proceed unto the approving or ra-
 tifying of the proceedings of the former Commiſſion: not only becauſe
 of their want of juſt power and authority ſo to do, but alſo becauſe
 theſe proceedings contain many things contrary to the truſt committed
 to theſe Commiſſioners, eſpecially the allowing and carrying on of a
 conjunction with the Malignant party, and bringing them in to places
 of Power and Truſt in the Army, and in the Judicatures, contrary to
 the Word of God, the Solemn League and Covenant, the Solemn Con-
 feſſion of Sins and Engagement to Duties, the conſtant tenour of the
 Declarations, Warnings Remonſtrances, Cauſes of Humiliations, Let-
 ters, Supplications and Acts, and Conſtitutions of this Church, and
 the laying of a Foundation for the Civil Magiſtrate to meddle with Mi-
 niſters in thoſe things which concern their Doctrines and the exerciſe of
 Miniſterial Duties before they be cited, tried and cenſured by the Judi-
 catories of the Church. And we proteſt that whatſoever Determinations
 Acts, Ratifications, Declarations, Sentences, Cenſures or Commiſſions
 that ſhall be made, or given out by them, may be void and null, and may
 not be interpreted as binding to the Church of Scotland, & that notwith-
 ſtanding thereof it may be free us, and ſuch as adhere to us, to exerciſe
 our Miniſterie. and enjoy the warrantable Chriſtian liberty of our Con-
 ſciences according to the Word of God, the National Covenant, and
 Solemn League and Covenant, and Solemn Engagement to Duties, and
 all the Acts and Conſtitutions of this Church: and that there may be
 liberty to chuſe Commiſſioners, and to convene in a free lawful General
 Aſſembly, when there ſhall be need, and the Lord ſhall give opportuni-
 ty, and to add what further reaſons ſhall have weight for ſhewing the
 nullity of this Aſſembly, and the unwarrantableneſs of the proceedings
 of the Commiſſion of the former Aſſembly, And that theſe preſents may
 be put upon Record by the Clerk in the Registers of the Aſſembly, to be
 extant *ad futurum rei memoriam*, and that we may have ſubſcribed Ex-
 tra thereof under the Clerks hand.

This

This following Paper was inclosed in a Letter from the Lord Wariston, to the Meeting at St. Andrews; which Letter, although it could not be gotten printed, yet we have published the inclosed; both, because it tendeth very much to clear, That the way of protesting against every encroachment upon the liberties of this Church, is no new thing but hath been the constant practice of our faithful Predecessors, from the beginning of the Work of Reformation, And also, because it doth contain a particular Testimony against the Ratification of the Paper, given by the Commission of the Kirk, to the Parliament, anent the confinement of the Ministers of Stirling, and of all other Papers prejudicial to the Covenant and Cause of Jesus Christ.

The Paper inclosed within the Letter containing a Narration of some former Protestations; with my present Protestation subjoyned thereto,

ANent the Protestation it may be remembred, that the Doctrine and Discipline of the Kirk of Scotland, sworn to by the Covenants, is clear anent this Right and Priviledge, acknowledged even by King and Parliament, that none of her Pastors can be judged or troubled by King, Council or Parliament for their preaching and Ministerial Duties, unless the Assemblies of the Kirk, the only competent judges thereof had first cited, tried and censured them therefore. and had upon their disobedience craved the concurrence of the Civil Magistrate; for clearing whereof, remember, that this having been mightily debated betwixt the Kirk and the State, it was not only thereupon maintained and declared by the General Assembly in 1581. immediatly after ratifying the Book of Discipline, and swearing the National Covenant: but also is acknowledged by the King and the Council, in the Case of Mr. Walter Balcanquhal

who had been challenged for a Sermon as seditious; thereafter in the Assembly 1582 *John Durie*, being challenged by King and Council for his Sermon, as seditious; and being advised by his Friends to retire; & seeking the Assemblies advice,, seeing his Doctrine accused to the Council, was justified by his Presbyterie and Session, he was directed to the Assembly. to abide rather the charge of Horning and Caption, and give his testimony against their Procedor, then privately to retire. And the whole Assemblies gives in their Grievances to the King, and to the Estates, complaining, that this their Procedor, is one erection of a Pope dome in the Kings Person, and a wronging of Jesus Christ the only King of the Church (wherein the spirits of the Prophets are subject to the Prophets) and a contounding of the Spiritual and Temporal Jurisdiction which God hath divided. Thereafter when the first Act of the Eighth Parliament 1584. giving power to the Kings Council to enquire and examine anent these things, was proclaimed; it was protested against by the Ministers of *Edinburgh*, in the Name of the Kirk of Scotland: who in that hour of darkness was put to Banishment; and thereafter Mr. *David Blake*, and Mr. *Andrew Melvil*, being cited for their Doctrine before the King and Council, declined from both, and entered a Protestation, and in the General Assembly, June 1587, the King and the Estates in the case of M. *John Couper*, and Mr. *James Gibson* Ministers, acknowledged the Assembly to be the only competent Judges, and desires them to try, and judge. And such like thereafter in the case of *John Ross* in the Assembly 1594 and the King and Parliament, 1592 in end of the first Act, which is anent Assemblies Repealed the foresaid Acts 1584, in so far as they were prejudicial to the Priviledges, which God hath given to his Spiritual Office-bearers in His Church: The Assemblies 92 and 94. 95. 96. gives most free admonitions to the Kirk and Estate to abstain from such Procedors, least they commit high Treason against Jesus Christ the only Monarch of His Church; for whom they believed to fight by the Spiritual Armour, granted to them of God, and potent in Him for overthrowing all strong holds and bulworks, set up against His Kingdom, amongst which it was a main one to have the freedom of the Spirit of God in the

rebuke of sin, restrained in the mouth of His Servants, and to extinguish the light which would shew the unlawfulness of their proceeding, and stop (under the name of vice, of stirring up sedition and tumult) the liberty of speaking. When Mr. *John Craig* and Mr. *Andrew Melvil* were threatened for their Declinator and free speech against the Acts 84, by Chancellor *Arrane* at the Council Table with flogging; they instantly unloosed their Buttons, and laid their Breasts open and bare, saying They durst receive, if he durst strike; and then publicly fore told the Judgement which God brought to pass upon him shortly thereafter: And Mr. *Nichol Daglish* spoke no less resolutely when the Scaffold was erected for him: and so did Mr. *Welsh* and his colleges 1606. both when they declined, and protested against the Council, and when they were pannelled and condemned at *Linlithgow*. I not insist on the large Declaration, and the Reasons thereof, emitted in this very point against the States proceedings by the Grand Commission of the Assembly 1596. appointed to purpose, *Ne quid detrimenti Ecclesia capiat*: Nor yet to insist on the Fourth of the Parliament 1640, anent the Assemblies determining all Ecclesiastick matters: Nor the sixth Act *Rescissorie*, which established that of the 92 &c. And in the end rescinds all Confinements Banishments, Deprivations made in the time of defection; which Two Acts were ratified in the large Treaty; Neither need I to remember the end of the Kings Oath, prescribed in 1567, and sworn by His Majesty lately at His Coronation; Nor the beginning of the Parliaments Oath: Nor one of the main Articles of the late Treaty with this King, anent the Determination of matters Ecclesiastical: Neither need I transcribe the three last leaves of the Commission of the Kirks Vindication of their proceedings from the Parliaments Letter May 11. 1648. which speaks fully to this point: Neither need I transcribe the sixth Page of the Committees of Estates Observations upon the Assembly Declaration 1648. wherein they claim power to challenge Ministers for seditious Doctrine: Whereunto the Commission of the Kirk, in their Reply page fourteenth, say, That the judgement of Ministers Doctrine belong-

eth to the Judicatories of the Kirk, both by Divine Right, and by the Law of the Land; and we hope your Lordships do not intend under colour of quarelling edition, a new way of judging & trying Ministers Doctrine, not to assume to themselves the exercising of the same Power over all Persons of whatsoever state, degree, Function or condition they be of, in all matters whereing they shall be charged to answer a power once granted to the Council in 129. Act Parl. 8. *James 6 anno 1584* but was afterwards abrogated in the 114 Act Parl. 12 *James 6 anno 1592.* as likewise in the Act *Rescisory*; I need insist either on the Kirks Protestation, or the Dissenters Protestation against the States meddling in these things without concurrence, insert and approven in the repealing Act 1649. nor on what was said, written and preached against the 23 Act Parl. 48 ordaining Ministers to exhort the people to obedience to the Laws of the Kingdom, and assuring them of their Stipends now: nor on the dangerousness of this present preparative and practice, which from the strait may be as terrifying as the other was alluring, and may at one time or other meet with any who indirectly procured this: neither need I insist, that this argument of the Doctrine and Discipline of the Kirk of Scotland, as acknowledged by the King and Parliament, and sworn to in the second Article of the Covenant, is the bar and bond that hinders General Crommel from stopping the honest free Preachers in Edinburgh, and the places by south Forth, where he thinks he hath as much Civil Command and may readily change his practice, as soon as he sees the State here to change theirs: Neither need I remember what good ground there is to fear the sprouring and spreading of *Presbyterianism* in our Statesmen, seeing this is a main branch thereof, it will be a strange thing to me if the Commission of the Kirk, for the Kirks interest, testify not against this Procedor, and dangerous preparative, and the rather that it seems to be founded upon what hath proceeded betwixt the Commission and the Ministers of *Stirling*, whereof the State could nor take notice, unless there had been a Process; and a Sentence from the Kirk (which the Commission it self denies, and therefore complains of the Appeal

as from a meer desire, and which sentence they could not have given at St. Andrews, it being neither their Quarterly Meeting, nor after Process, nor a Trial of their Doctrines, and least of all because it agrees not with their Commission to censure these who preached according to the Acts of all our General Assemblies, from 1560 till 1650 in above 200 several places and passages, and which if they did not preach, they might be censured and deprived according to the Acts of the Assembly 1648.) and had desired the States concurrence against them for their disobedience, otherwise this Proceedor is detarto like King James his practice and threatening to Mr. David Calderwood at St. Andrews 1617. That if he would not acknowledge his power of spiritually suspending him he would suspend him corporally; and if he would not obtain from preaching and writing against the five Articles, he would banish him, as he did; and thereafter in 1606 and 1608 he called for Mr. William Scot, and sundry other worthy men of the Ministry unto London, and detained them there until he caused hold the corrupt Assembly at Linlithgow; and this hath been often called since in the publick Declarations and Warnings of the Church of Scotland; a persecution of the Ministry and of the Gospel, which would, and did grow to a great height, and both in Law and Reason, and in the words of our two Covenants, and solemn Acknowledgement, quid non licet directe, non licet indirecte, and as I might lawfully protest against the States direct doing of it, so against their indirect doing of it. And now for the point of protestation, Cui libet licet protestari supplicare mendicare, as the common proverb goes: But it is most remarkable that the Lord by these legal means of Protestations hath preserved in all times of Defection and hours of darkness (as betwixt 1571, and 1575, betwixt 1582 and 1587 betwixt 1597 and 1638.) the Church of Scotland from a total and universal back sliding and breach of Covenant, and so from His Wrath and Judgment against the whole, but kept ever a remnant in Covenant with Him, and Him fast to Them, and thereby they kept God in the Land; & the Lord in all times of their reviving & recovery of light & life made their successors, as it were, enter Heirs by these Protestations to the Interests of the Church of Scotland,

in God and His Interest in Her, and so hath He made us in our two Covenants and solemn Acknowledgement *per ipsa verba*, to be, as it were served and retoured to all the former Protestations; And who knows what successors may be to these that are now necessary? It is worth remembering at this time, that in the General Assembly 1586. when they were drawn on by the Kings Court to absolve Mr. Patrick Adamson, that Mr. Andrew Melvil and Mr. Andrew Hunter, in the name of the whole Synod of Fife, entred their Protestation against it, as befores the Almighty God, His holy Angels and Saints, that seing he had given no real signs and evidences of true Repentance, they had no assurance in Gods Word, or in the sincere custom of this Kirk, and in conscience to allow this his Absolvitor, and therefore untill the time they perceived his conversion to be true and effectual, they cannot but hold him a man justly delivered up to Satan; which is too like to the present receiving of the Malignant party, then in the Assembly 1597 when the King carries in it the Commissioners of the Kirk with caveats to have vote in Parliament; but Mr. John Davidson entered his Protestation, so did some Ministers at Perth, in the Null-Assembly 1617, so did they in the Name of the Kirk of Scotland, give in a Protestation to the Parliament 1584. 1597, 1606. 1612. 1617. 1621. and 1633. against all these Procedors to the prejudice of the Kirk of Scotland, and so the preserved and transmitted by Protestations (which was first given in by our Reformers to the Parl, 1560.) unto this Generation 1638 and 1640, *Jura Ecclesie Scotticane entata injure quamvis, frequentur violata de facto*, which I pray God we may preserve and transmit with as great fidelity and boldness to our posterity, I will only add to this point the remembrance, that in Novemb. 1646 Mr. Rob. Douglas, and Mr. Rob. Blair upon their hearing of some expressions in a report of Parliament anent their peace made with the Rebels importing as if these Ministers had not opposed the same, but by silence consented thereto, which they disclaimed in Face of Parliament, and entered their protestation, That all the Judicatories of the Kirk were free of it, and that the Acts of Parliament approving it should be

with.

without any prejudice of the liberty of the Kirk, and of any service of Jesus Christ to exoner their consciences according to His Word, and Principles and Declarations of this Kirk against it, notwithstanding the Act of Parliament, which Protestations was approved by the commission of the Kirk, and inserted in their Records; and good reason there for such Protestations, especially in Scotland, because not only Gods Word, but also by our National Covenant, solemn League and Covenant, and solemn Acknowledgement, all interest of King or Parliament or Kingdom are subordinate to the Interest of Christ & all duties to men subordinate to our duty unto God, *In hoc federato regno federati Dei*, according to the 2 Kings 11, 17. and 2 Corin. 23 16, in both which the substance of that Covenant and our Covenant is, that we should be Gods People, and all other relations subservient in that: *sit ergo gloria Christi, & salus Ecclesiae suprema Lex nostra*, and whensoever we see it in any hazard or contest, and any thing in competition with it, let us, according to our calling, at least protest, that our Lord and our Mother may get right, which will legally preserve it to another Judgment and if they get wrong thereby they will have witnesses of it, which is the least which we should do for Him (though we suffer for it) who hath done and suffered so much for us, and who puts a great favour and honour upon any whom He calls to be witnesses to and for Him; and where one hath a necessity to protest for his particular right, or place in Parliament, we see they do it ordinarily, and in all Acts of Parliament the last is, *salvo jure cuiuslibet*; and why not far rather, *salvo jure Christi ac Ecclesiae*? Which Protestation by communicating of this Paper I do enter against the Ratification of the Paper given in by the Commission to the Parliament, against the confinement of the Ministers of Stirling for their preaching, or of any other paper of theirs prejudicial to the Covenant and Cause of Jesus Christ.

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Brought the General Assembly it self into servitude and Bondage, by including all such there-from as would not be consenting to that course of defection which they had carried on, a very dangerous and damnable preparative which layes a Foundation, First, for the total overthrow of the Discipline of this Kirk, then of the Doctrine and Worship: for by this means if the Commission once be corrupted, though it were so far as to the introducing of Prelacy and the Service-Book; nay, though it were to the bringing in of the Popes Supremacy and the whole Body of of Popery; there is no remedy left, none can vote in a General Assembly where the remedy is to be expected, but such as Concur with them in Judgment; others, who Differ and Oppose, are to be Cited and Censured.

Object. Albeit the Commission did send such a Letter and Act as is spoken of, yet it doth not from thence follow that thereby Election of Commissioners in Presbyteries to the Assembly is prelimited or prejudged in the due liberty and freedom thereof. 1. Because it was free to Presbyteries, notwithstanding thereof, to chuse whom they pleased. 2. A Citation to the General Assemblie doth not bar a man from being chosen Commissioner thereto, nor exclude him when he is chosen from voting therein. 3. Because that Letter and Act had little or no influence upon Presbyteries in the choice of their Commissioners, but notwithstanding thereof several Presbyteries did chuse men who were unsatisfied with the publick Resolutions. 4. None who were unsatisfied with the publick Resolutions; and were Commissioners, were upon that account, of their not being satisfied; or being Cited, denied a Voice in the Assembly. *Answer.* As to the First, it is true. That Presbyteries were physically free, notwithstanding of that Letter and Act to chuse whom they pleased, That is, the Letter and Act put to external coercion and constraint upon them by any coercive power upon the outward man; But they were not morally free, that is they were not free from a moral over-awing power, having influence upon their will, to wit, the authority of the Commission, commanding them upon that matter to chuse none such, and upon the matter threatening them if

they should do otherwise. They were so far bound as the Commission could bind them : and who knows not what influence the Direction and Commands thereof have upon Presbyteries to determine them in their actions. As to the second, Though every Citation, or Citations of all kinds, do not exclude a man from being chosen a Commissioner, or sitting a Member of the Assembly, yet we think that it will not be denied, that a Citation in matter of scandal, either in Doctrine or manners, will, and ought to exclude him from being chosen Commissioner to, or sitting in a General Assembly. The Assembly, since the first Reformation, and that upon good grounds, having always taken care that all her Members should be free of scandal, and of a good report : and that this is a scandal more than ordinary in the judgment of the Commission both in Doctrine and manners, is clear from their Papers and Warnings wherein they do not only loaden it with many grievous imputations, but stir up the Civil Magistrate to punish such as are guilty of it, and gives direction to Presbyteries for censuring them with Ecclesiastical Censures : Besides, it is unquestionable that all citations do exclude men from being Judges in the matter for which they are cited ; and therefore though they might have been admitted to sit as Judges in the Assembly in other particulars, which yet is not granted for the reason above mentioned, yet it is above controversy that they could not have sitten in this : and therefore it still follows, that as to this particular, which was indeed the main thing if not in a sort, all that was to be handled in the Assembly, it was prelimited. As to the Third, That that Letter and Act had no influence upon Presbyteries in the choice of their Commissioners : it is spoken against the truth, as will appear by these instances : 1. All those Ministers who oppose the publick Resolutions are known to be honest and faithful men, and most of them as had wou (ordinarily these years past, because of their ability and integrity) to be chosen Commissioners ; but few of these were chosen in Presbyteries this year to be Commissioners to the Assembly ; and if any such were chosen it was where the whole Presbytery was unanimous against the Publick Resolutions, or if the Presbytery were divided in their Judgement

then was there for most part, either two elections or else dissents from, and Protestation against the Election of such as were unsatisfied with the Publick Resolutions; or else both, as in the Elections of *Glasgow and Stirling*; of all which no reasons can be given, except the Letter and Act of the Commission. 2. The Presbytery of *Dunkel* having chosen their Commissioners to the General Assembly, and one of their number who was a Member of the Commission having dissented from, and protested against the Election: because such as were chosen were unsatisfied with the Commissions proceedings: the Synod of *Perth* meeting a little thereafter, and receiving the Letter and Act of the Commission did thereupon sustain the Dissent and Protestation of that man of their number, and appointed the Presbytery of *Dunkel* to chuse their Commissioners anew again. As to the Fourth, That none were denied a voice in the Assembly upon the Accompt of their not being satisfied, or being cited: albeit that were true, yet it doth not make void what is said for pre limiting the Elections by the Letter and Act of the Commission, because the Elections were *primo instanti*, prejudged in Presbyteries, by Barring those from being chosen who otherwise were in a capacity & likelihood to have been chosen; Policy taught the Assembly not to deny such of them as were chosen, a vote upon that accompt, the votes of so few a number not being like to prove so great a disadvantage to their Business as the profest denial of them a vote would have done. But in order to this particular, we do further offer these two things for one Answer. 1. That the discussing and judging of the Commissions of these in the Presbytery of *Glasgow*, who were unsatisfied with the Publick Resolutions, was laid aside upon this consideration, only, Because the Reasons of Mr, *Robert Ramsay* his Protestation against the Election, taken from their dissatisfaction with the Publick Resolutions, could not (as was alleadged) be discussed till these Resolutions were either condemned or approven, which was in effect to exclude them from voting, because of their not approving the Publick Resolutions: And this is so much the stronger, if we shall consider that it was refused to

lay aside the Commissions of these who had carried on these Resolutions in the Commission of the Assembly, until their proceedings should be tried and approved. 2. It is to be considered, that the Assembly did sustain and approve the Let er and Act of the Commission for citing such as were unlatished, which was a real excluding of all these who were cited upon Dissatisfaction, at least from being made Judges in that particular

2. Real. That cannot be, or is not accounted a free lawful General Assembly, in which relevant Exceptions being timeously propounded against many of the Members thereof, and offered to be verified and instructed, were refused to be taken in consideration; but notwithstanding of the timous proponing of these Exceptions, and offering to instruct the same, these Members were allowed to sit and vote before these Exceptions were taken in consideration and discussed: But the Meeting of St. Andrews was such because it being propounded and urged by sundry in that Meeting, that such of the Commission as had hand in the publick Resolutions should not be permitted to sit and vote in the Assembly, they being under a scandal and guilt of the promoting a course Defection which was offered to be instructed until such time as they should be tried: Yet it was refused to take any such Exception in consideration, or to remove them till this should be tried and discussed. Therefore, &c. For further clearing and confirming of this Argument, it is needful to speak to these two things, 1. To shew, that it was incumbent in duty to the Assembly to have removed from the Meeting all persons under scandal (the same being made known unto them) until they were purged thereof. 2. To shew, that the persons objected against were under such scandals as is alledged for the first, albeit (as we conceive) no great controversie will be made about it, yet we offer these things for proof of it: 1. That the light of nature, and the Word of God speaks for it. 2. That some clauses both of our National Covenant, and solemn League and Covenant, and Eight Desires of the Commission in the year 1648, and of the solemn Engagment in the same year, and all the Church Remonstrances for purging of Armies and Judicatories, even the late Papers given in by

the same Commissioners to the Parliament at Stirling about the Act of Classes. For excluding of scandalous persons from being Members of our Judicatories. 3. There is a Rule and Order set down in the Third General Assembly of this Kirk in July 1562. That at the entry of every Assembly the first Work is to be anent trying and purging of the Members thereof, where men are appointed to be charged in Gods behalf, to Declare their consciences touching their Doctrine, Life and Execution of their Office, if therein they be scandalous: like as it is appointed that any to whose charge anything is laid, ought to be removed out of the Assembly, until his cause be tried; and if he be convicted, he can have no Voice until the Kirk receive satisfaction, and in the common order of proceeding set down in subsequent Assemblies, set down by the Assembly in March 1568. It is appointed, that before any matter with any business they shall fall unto the trial of their Members. The same is to be found in the Assembly 1578 August 6. at Edinburgh, and in the Assembly 1580. and in the Assembly 1581, which two last Assemblies, as the one of them condemned the Office of Episcopacy and put out the Bishops: and the other established Presbyteries and the Book of Policie, and the short Confession of Faith, or our National Covenant: so were they so exact and diligent in this trying, purging work of their Members, that at their very entry they require all men as they render the Glory of God and the well of this Kirk, and as they shall be answerable to God upon their consciences, that they delay and give in the Names and Faults of any of their number, to the removing of the slander which arises to the whole Kirk by their admitting of such Members; which custom and practice was exactly kept for above twenty Assemblies, and twenty years together. 4. All the Assemblies of this Kirk, since the late Reformation in the Year 1638, have upon the objection of scandal against any of the Members in the time of Constitution of their Meeting, removed these Members until the Exception were tried and discussed; nay, this same meeting at S. Andrews upon like exception and objection, that the scandal of the Laird of Blaketer and some others, their accession to the unlawful Engagment was

not yet sufficiently purged, by notifying their repentance to the Assembly, and approving the same where they were removed from sitting as Members: And we would have any man in the world to bring a reason why some Members, upon Exceptions propounded, should have been removed, till these were tried and discussed; and yet other Members admitted against them as relevant; nay, more relevant Exceptions were propounded before the trying and discussing of them. For the Second That the persons objected against, were under scandal of carrying on a course of Defection: It is manifest not only from hear say and common report, the first whereof in the 13 of *Deuteronomy* and 12. *Verse*, is made a ground for enquiring & making search, and asking diligently after these who seduce to false Worship: & the other ground of proceeding against the incestuous person. 2. *Cor.* 5. 1. 2 *Thes.* 3. 11, But also from these Four particulars. 1. The offence and stumbling, and sad complaint of the plurality of the golly in the Land against their proceedings. 2. The Testimony and Letters of many Presbyteries caring their stumbling and dissatisfaction with such courses. 3. The clear standing Acts, Remonstrances, and Declarations of former General Assemblies, unto the which these proceedings were diametrally opposit. 4. The Testimony of sundry Brethren of the Assembly offering to instruct what was alleadged.

Objection. The Commissioners of former Assemblies have alwayes such of them as was chosen by Presbyteries being admitted to be Members, before the tryal, and approbation of their proceedings. *Ans.* It is true, that the Commissioners have been allowed to sit until their proceedings were come to be tryed & judged, but is as true that such Exception & Objection being proponed, was never rejected; There was since the late Reformation, no cause to propound any such thing: The Commissioners till this year having alwayes carried themselves Faithfully, but upon supposal they had done otherwise, it cannot in reason be denied, but that there was reason both to promouing, and taking in consideration; In order to this purpose the Assembly did take in consideration of the great Damage and

mission of the General Assembly who had led the Church into defection in the interval betwixt Assemblies by taking upon them to give in Petition to the Parliament for Vote in Parliament to the Members that should be provided to Prelacies and representing the true Kirk of GOD, and being the Third Estate of the Realm; the next Assembly which sat in the year 1601 did make an Act appointing the Commissioners of the preceding Assembly to give an Accompt of their whole proceedings in the beginning of the next, before any other cause or matter be handled, and their proceedings be allowed, or disallowed as the Assembly shall think expedient; which Act was renewed in the year 1648 and doth necessarily infer, That they are not to be admitted to sit as Members of the Assembly, though there be no scandal nor exception propounded thereupon, till their carriage be first tried and approven much less they are to be admitted where there is scandal and exception propounded thereupon.

Object. It was sufficient to remove them, when the Report of their proceedings come in to be judged, or not to admit them as Judges of the things wherein they were to be tried; and as this was done in former Assemblies, so it was also done in this. *Ans^r* That was not sufficient, because it being objected and offered to be instructed, that they were under scandal, and that of a very high nature, they ought not to have sitten as Members until they had first been purged thereof, unless we may say that any scandalous man may judge in any thing, except in the matter of his own scandal. 2. There was a manifest prejudice to the judging of their own proceedings by their sitting, because they had a hand in nominating, and appointing men, who did consider their proceedings, and make Report thereof to the Assembly: nay, their Moderator and Clerk, being Moderator and Clerk of the Assembly did nominate all these men, and were so gross therein, that exceptions were nominated none to be upon the Commission.

Object. If the propounding of one Exception was reason sufficient to have removed so many considerable Members of the Assembly, then might the whole Members one after another, have been removed by propounding Exceptions against them, and so not only that Assembly, but all Assemblies whatsoever, might by any contentions or marvelous person be brought to nothing, because they might propound Exceptions against each of the Members, and alledge, That they could not sit until these were first tryed and discussed, otherwise it were not a lawful free General Assembly. **Ans.** This Objection strikes against the propounding and hearing of any Exception whatsoever, against any constituent Member of a Judicatory, as well as against the present case, and therefore if the makers of it admit Exceptions against constituent Members in any case, they are bound no less then we are, to frame an Answer thereto, which answer in the present Case, as in others, they would not grant. But to the thing it self, we say, That it is not sufficient for removing of Members of Judicatories simply to propound and offer Exceptions against them, But these two things are requisite in the Exception propounded and offered. 1. That for the matter it be such as *prima fronte*, at least seems relevant in Law. 2. That for the truth of the fact in application to the persons against whom it is made there be a scandal, or some presumptions, or some offering to instruct and make it out; now in the present case it is clear that the exceptions propounded was relevant *in jure*: if there be any relevant, why a man should not sit in the General Assembly. this certainly is one, that he hath betrayed his former Trust, hath made defection from the Covenant and Cause, and being instrumental to carry on a course of defection throughout the Kirk and Kingdom; and as to the truth of the Fact in reference to these against whom the exception was made, all these three did concur a flagrant scandal, pregnant presumption, and persons in the Judicatory offering to instruct and verifie what was alledged.

Object. No Exception could be taken in consideration, nor discussed until the Judicatories was first constituted, and a Moderator chosen, and therefore it is nothing against the freedom of the Meeting, **that**

that the Assembly not yet being constitute, and a Moderator not chosen, that they did refuse to fall upon the tryal and discussing of that Exception against the Commissioners of the former Assembly. *Ans.* If the Assembly had immediately, upon the choice of the Moderator, fallen upon the tryal and discussing of that Exception, and removed these against whom it was made, from sitting in the Assembly as Judges in any thing until that had been done, though it could not have loosed, yet it would have lessened the difficulty and strength of the Argument, but even after the Moderator was chosen, and the Assembly now formerly constitute, these men were all allowed to sit as Members, and to be Judges in every thing that came before the Assembly for many days together before the Assembly had judged of the exception; nay, which is more, before their proceeding were approven by the Assembly, they sat as Judges to give vote and sentence upon this very exception propounded against themselves, the same being one of the special reasons contained in the Protestation, which was condemned before the proceedings of the Commissioners were reported and approven, we said that it would not have loosed the difficulty, Because the thing which was Desired, was not the Tryal and Discussing of the Exception instantly before the choice of a Moderator, but that accordingly as was done in reference to other Members excepted against, so these should be laid aside, and not allowed to vote until the Assembly being constitute, take in consideration, and discuss the same, which they were so far from doing that they did peremptorily reject it, and admit him to vote, which was in effect to reject the exception wholly, and to determine either that it was not relevant, or else that it was false, both which were absurd, 1. Because to say that it was not relevant, was to contradict most clear light of reason, and to say it was false, was to approve the Commissions proceedings before tryal of them, or hearing what was to be said for verifying the exception,

Obje. They could not be debarred until they were found judicially scandalous. 1. Because they were many of them, men of approved integrity in all their former carriage. 2. This had been to fasten an
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imputation, nay a kind of censure upon them before they were found guilty. 3: It had been to make way for a bad preparative, to remove a number of able and faithful men out of a Judicatory whensoever it should please any to come in against them with any such alledgances. *Ans.* All these things are clearly enough answered already, yet for further satisfaction, we shortly reply, that though a Judicial tryal and sentence may hapily be required for removing one who is already a received Member of a constitute Judicatory, yet it is not in regard of the Members of a Judicatory yet to be constituted, or in regard of Members yet not admitted, for if it were so, then it would follow, either that no Judicatory could Constitute it self, but behoved to have some other Judicatory to judge of the constituent Member of it, or else that it behoved to constitute it self of scandalous persons: notwithstanding of timorous information given of these scandals and exceptions propounded against the persons under the same, why they could not sit till these scandals were purged. 2: It destroyes the common order and directorie of procedure in the Constitution of all Judicatories. 3 It contradicts the current and constant tenor of the practices and proceedings of the General Assemblies of this Kirk, in order to their constitution, who have always removed persons against whom exceptions were made, till they took tryal of the same, though there were no judicial Sentence, at the propounding of them produced for verifying of them. As for their former integrity, we shall not deny to sundry of them that testimony. But as it is not the first time in the Kirk of Scotland, that men of understanding have fallen to prove others so, neither did their former carriage when they fell from their stedfastness, perswade others to wink or be silent at their defection, and for the fastening an imputation or kind of censure upon them, It was much better and more safe and reasonable (supposing what is alledged) to fasten a just imputation upon them, then to fasten an unjust & remediless prejudice upon the cause. But would not their being vindicated after trial, have made their righteousness shine more brightly. And for the preparative, it is already answered, That it is not

sufficient to propound things by way of exception, but that they must be relevant for the matter, and probable for the truth, because of scandal or presumptions, or persons offering to verifie and instruct: All which were in the present case.

3. *Reason.* That is not a lawful free Assembly, where there is not liberty and freedom to vote in the matters agitated and debated therein; But the meeting at *St. Andrews* had no liberty nor freedom in the chief matters that came in consideration, to wit, the Publick Resolutions and proceedings of the Commission, as it is manifest from these particulars.

1. The Commission had in their Remonstrances and Papers, stirred up the Civil Magistrate against such as did differ from them in these Resolutions and Proceedings, and accordingly the Civil Magistrate had confined some Ministers, to wit, these of *Stirling*, upon that accompt, and had made Laws and Acts of Parliament, appointing all such to be proceeded against as Enemies to Religion and the Kingdom, 2. The Commission had by their Warnings and Papers to Presbyteries, stirred up Presbyteries to censure such, and cite them to the General Assembly, and accordingly the Presbyteries did cite many of them. 3. The Kings Majesty wrote to the Assembly, a Letter inciting and stirring up to punishment and censure these who differ from the Publick Resolutions; and His Commissioner did second the same by a Speech to the Assembly, intimating that he hoped that such a course should be taken with them as that all others might be deterred from doing the like hereafter: none of all which things that Meeting did resent, but first were silent thereat, and afterwards did approve them.

Object. It was not any prelimiting of the Assembly in the freedom of their voices for the King & His Commissioner to stir them up to their duty against these who differed, and should not obey the Assembly: Nay, it was incumbent to the King & his Commissioner to do so, as it is incumbent to the Judicatories of the Kirk to stir up the Civil Magistrate to his duty. A. If the King & his Commissioner had kept themselves within the bounds spoken of in the objection, less could have been said, but whilst the Assembly had not yet medled with the Publick Resolutions and Proceeding of the

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Commission either to condemn or approve them, they stirred up of the Assembly to punish and censure, not these who shall differ from the Assembly in their Acts and Conclusions, but these who differ from the Commission in their Acts and Conclusions.

4. *Reason* That is not a free Assembly wherein persons allowed by the Acts and Policie of the Kirk to speak their Consciences are denied liberty so to do. But so it was in the Assembly at *St. Andrews*, that such persons were denied that liberty. Persons allowed to speak in an Assembly are not only Ecclesiastick persons having calling and power to vote therein; but others also are allowed to propone, hear and reason, as is evident from the Policie of the Kirk, and Acts of Assembly 1581, and 1586. and 1596. all which expresses this as a part of the freedom of the General Assembly of the Kirk of *Scotland*, and it was the usual practice of this Kirk, to desire any judicious Member of the Kirk to present unto the Assembly in writing their thoughts of any dangers to Religion, or to the Kirk, and of the best remedies of the same, as is evident from the Records of the Assembly 1567. 1587 1593 1594 1595. and especially in the time of any trouble or difference. Yet notwithstanding of all these things, Sir *Archibald Johnston* Clerk of the Assembly, a man to this time undeniable faithful, and singularly acquainted with the Acts and proceedings of this Kirk, and with the matters presently in controverſie and debate, and who hath been useful above many in all the tracts of the work of Reformation from the beginning throughout all the steps thereof, both at home and abroad; having written his mind to the Meeting (not being able to come himself) about the things which were to be agited in the Assembly, and holden out much clear light from the Scriptures, and from the Acts of former Assemblies in these particulars; albeit the Letter was delivered publickly to the Moderator in the Face of the Assembly and urged to be read by him who presented it, that then the Moderator did break it up, and promised to cause read it; and that many Members did thereafter upon several occasions, and at several Diets prels the reading of it, yet could never the reading thereof be obtained, but it was smothered together with a Protestation which was contained therein

therein against a Paper given in by the Commission to the Parliament: approving what was done by the King and the Committee of Estates against the Ministers of *Stirling*.

5. *Reas*, That cannot be accompted a free Assembly to which there was not free access and recess: But there was not free access to this Assembly by reason of the two Armies being interjacent betwixt the Meetings of many of the Commissioners; these Armies in the very time when the Commissioners should have come to the Assembly, being pursuing one another hotly, and having their parties roving abroad every where. Therefore many Members were absent, above the one half of the Burrows, and many Presbyteries, to the number of nine or ten: Neither was there free recess from it, not only because of the former reason, but also because the King and Committee of Estates did detain and keep under a kind of confinement at *Stirling*, several Members thereof, as they were returning to their own home, having nothing nor alleadging any thing to challenge them of, unless it were their carriage at the Assembly.

6. *Reas*. That is not a lawful free Assembly, in which persons lawfully under the trial thereof, are admitted to sit as Judges in the same thing for which they are under trial. But the Meeting at *St. Andrews* and *Dundee* is such, Because the Commissioners of the General Assembly were, before the approbation of their proceedings by the Assembly, admitted to sit as Judges of the Protestation, a part whereof was, that their proceedings should not be ratified, Because they did involve a conjunction with the Malignant Party; which is contrary to the Word of God, the Solemn League and Covenant, the Solemn Engagment, many Acts, Warnings and Declarations of this Kirk, &c. Yea, not only did they before the approving of these proceedings, judge the persons who had given it in, and gave their voices amongst others who of them should be cited, in order to Censure; nay, the Committee wherein that business relating to the Protestation and the in-givers of it was handled, and upon whose report thereanent the Resolutions of the Assembly therein did

mainly hang, was for most part made up of those who had been Members of the Commission; which things, when they are impartially considered by Indifferent men, I believe will be acknowledged to be very unsuitable and inconsistent with the liberty of a free Assembly. There be two things. as to the matter of Fact needful to be verified in this Argument: one is, That the Protestation was Judged and condemned, and the five Members appointed to be cited before the approving of the Commission Book. Another is this, That the Members of the Commission had voice in these things. Of the truth of both these we are informed by some, but if any doubt, we shall desire him to lay no weight upon the Argument until he get the certainty; and we our selves do not lay any weight upon it, But as these things shall be found true, we

Object. Albeit these Reasons do indeed hold for some kind of encroachment upon the liberty and freedom of the Assembly, yet do they not prove the Nullity thereof. Every degree of encroachment is not such as destroys an Assembly, and makes it no Assembly; But it were hard ever to find a lawful free Assembly in the World. *Answer* It is true, That every encroachment upon the liberty of an Assembly does not destroy it and make it no Assembly, but we deny that these encroachments contained in our arguments doth it not, and we give these two Reasons of our denial. 1. Because the things mentioned destroy almost all the essential requisites of a free Assembly; freedom of Elections, freedom of Voicing, free access and recels, and free hearing of what is offered for light, impartial hearing and discussing of Exceptions against constituent Members, admitting parties, or those who are under trial, to be Judges in the same thing. 2. Because these are such encroachments as moved the General Assembly in the year 1638. Because of the like, to judge several of the former Assemblies of this Kirk to be null, as may be seen in the Acts of that Assembly. We believe, that there is none of these pretended Assemblies for the Nullity of which stronger Reasons are brought than these are which we have brought for the Nullity of this, and will appear to those who shall take but a little pains to compare them together.

Object

Object. If so be this Assembly had proceeded right upon the matter, or according to the mind of these who oppose the Publick Resolutions, it is not like that they would have thought that the Reasons alleadged did prove the Nullity of it; and if so, why then should such things be made use of to prove the nullity of it, because some men are not satisfied with the proceedings and acts thereof. *A.* Albeit there be no such Reason as is alleadged, nor any thing relating to the point of form, yet conceive, and that with much appearance of Reason, that any Assembly proceeding wrong upon the matter, is a Null Assembly; Because Kirk Judicatories have no power to destruction, But all their power is to Edification, But whatsoever power the Commissioners in a General Assembly have, it is by Commission from their Presbyteries, which Commission limits them to the Word of God, and the Covenant, and Acts of former Assemblies; therefore in so far as they do any thing contrary to these in so far they may be declined, as having no power nor authority for doing any such thing; which furnishes another considerable reason for declining of this Assembly, not before alleadged, Because they have in most of all, and the most material of their proceedings, proceeded contrary to the trust committed unto them by Presbyteries. 2. Albeit they had proceeded right upon the matter, yet would there still have been reason to have insisted upon the Objecting of these things, for preserving and vindicating the Assemblies; and if any had, even in the case of their right, proceed or stuck closely to these things, we see not what cause there was to blame him for so doing, though yet we believe that men in the case of right procedor, upon the matter would have more easily digested faults; in the former we must suppose it be in these things as in the case of two Ministers, both of them for the same fault, deserving deposition *in stricto jure*; and the one, as a man who is known not to Edifie, but Destroy, the other, known to Edifie though guilty of these faults *Will not men think that they may with some good conscience spare the one, when they depose the other? We take it to be not without special providence, that the Lord hath tryed together in this Assembly so much illegality in Form;*

and so much iniquity in matter, and these being joyned together, do convincingly prove, That it is none of the lawfull free Courts of Jesus Christ, nor to be reckoned amongst the free General Assemblies of the Kirk of Scotland.

Object. It is without precedent, that the Constitution of a General Assembly hath been protested against by the Kirk of Scotland: *Ans.* It is the ignorance of the History and Acts of the Kirk that makes men to speak so, we shall give but one instance, Because it doth most quadrat to the present year, 1597. it being carried by plurality of voices in the Assembly, that the Petition of the Commissioners of the former Assembly, given in to the Parliament, for Ministers voting in Parliament in name of the Kirk, and as the third Estate of the Kingdom, should be approved; and that the Paper of Grievances which was given to the Assembly against that Petition by several Members thereof, should be buried and obliterate for the continuance of Peace and Quietness in the Kirk. Mr. John Davidson for himself, and in the name of the Brethren, entered his Protestation in these terms, That this present Assembly is not a free Gen. Assembly; & desired it be inserted in the Books of the Assembly.

Object. It seems that the Protesting against this Assembly hath in it no good nor profitable use at all, because protesting against their proceedings, had been testimony enough for the truth, though there had been no protestation against the Assembly; yet the next being such as it ought, might have taken the Constitution of this in consideration, and declared it Null. *Ans.* If the latter part of what is alleadged have any weight, it speaks also against any Protestation against the matter of their proceedings? But the Lord calls for Protestation against both the matter and manner, & it hath these goods in it, besides many other, 1. Our exoneratation of our Consciences to the duty and respect which we owe to Jesus Christ, in maintaining the liberty & freedom of his Courts, unviolated. 2. Ground of conviction upon the Consciences of the few who have incroached upon the same. 3. A keeping of the whole Kirk of Scotland free of such guiltiness. 4. Preserving a legal right & fair

regress to these outward Priviledges of Christs visible Kingdom. 5 One example of the like faithfulness and zeal to others in this, and the following generations.

Object. This Protestation seemeth to have two great evils in it. 1. Is a discovery of our Nakedness before the Face of the Enemy, who is now in the Land, and doth insult, and rejoyce in these our Divisions; and takes occasion thereby, to speak evil of the Government and Discipline of our Kirk. 2. It casts loose the whole Frame of our Kirk-Government and puts out of capacity of having any more Assemblies. **Ans.** It is not the protesting that hath discovered our Nakedness, or made the Enemy speak evil of, or despise our Government, but it is the grols miscarriages which are Protested against: The Protestation is rather a covering of our Nakedness, & making up of the Breach, and stopping of the mouthes of Enemies, when they hear that all are not involved, nor give not way to these corruptions of Government, but that many bear testimony against the same: Neither doth it cast loose the Form of Kirk-Government, or puts us out of a capacity of having Assemblies, But against the Constitution of this Assembly: The Doctrine, Discipline, Worship, and Government of the Kirk of Scotland is fully and clearly acknowledged and asserted in the Protestation, and General Assemblies rightly constituted, and proceeding rightly, are acknowledged to be amongst the effectual means for remedying the present differences and distractions; by which a General Assembly may again be called; one is by the mutual consent of Presbyteries; a second is by the Commission of the former Assembly, which seem, to be in force until another lawfull free General Assembly do sit: a third is by the Civil Magistrate, and others also there be which providence may offer. But it may be said, That by the Protestation the exercise of the Government is suspended, which may consequently prove dangerous and destructive; To which we reply, 1. That the exercise of the Government is preserved in the inferior, Judicatories. 2^{do}. It is much better that these who assume power

to themselves and exercise to destruction, that they should want it, and not have it; Better no Generall Assembly then a pretended one, which destroyes in stead of edifying: as better no Minister then one Usurper over the Flock, who poysons instead of feeding.

Object. To protest against a General Assembly hath alwayes been looked upon in this Kirk as a thing very censurable; and therefore in the year 1582. there is one Act of the General Assembly, appointing such as decline the General Assembly, to be summarily excommunicated. *Ans.* To make such an act were, either to suppose that a General Assembly could not be wrong constitute, and could not err in their proceedings; or else, that suppose they should be wrong constitute and err, yet they ought not to be declined or protested against, both which are equally absurd, and therefore we cannot think that the Kirk of Scotland hath at any time made any such Act in so general and unlimited terms. As to that in the year 1583, it is grossly mistaken, because it is no wayes a declining of unlawful Assemblies, but against appealing from lawful Assemblies to the Civil Magistrate in Ecclesiastick causes, for stopping Ecclesiastick Discipline against the persons appellors, as is further evident by the occasion thereof: Mr. Robert Montgomery Bishop of Glasgow, his producing Letters of Horning from the King and Council, charging the Assembly to desist from his Process, and suspending their Sentence in the mean time, till the King and Council consider the same; against which the Kirk entered a Protestation. From these things it may appear how unwarrantably the Meeting at Dundee did upon allreadgance of this Act fall upon debate of the summary Excommunication of these who had protested.

FINIS.

